

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk

In Replying Give Number
Of Case and Names of Parties

March 29, 2010

VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 08-12199 - David W. Corbitt, et al. v. Home Depot U.S.A., Inc.

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issue:

In light of the significance of analyzing facts in the totality of circumstances, as emphasized by *Reeves v. C.H. Robinson Worldwide, Inc.*, 594 F.3d 798 (11th Cir. 2010) (en banc), could a reasonable jury find that Cavaluzzi altered the terms, conditions, or privileges of either Corbitt's or Raya's employment by conduct so severe or pervasive that it created an environment that a reasonable person would find hostile or abusive?

Appellant's en banc brief not to exceed thirty (30) pages shall be filed in the Clerk's Office in Atlanta by **5:00 p.m., Friday, April 23, 2010**. Appellee's en banc brief not to exceed thirty (30) pages shall be filed in the Clerk's Office in Atlanta by **5:00 p.m., Monday, May 17, 2010**. Any en banc reply brief by the Appellant must be filed in the Clerk's Office in Atlanta by **5:00 p.m., Thursday, May 27, 2010**. **NO EXTENSIONS WILL BE GRANTED**. An original and 18 copies of the en banc briefs should be filed (appellant's in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). **NO TIME FOR MAILING SHALL BE ALLOWED**. The filing of an en banc amicus briefs is governed by 11th Cir. R. 35-8. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

All counsel are requested to file 16 copies of their original opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Friday, April 23, 2010.

Oral argument will be conducted during the week of June 14, 2010, in Atlanta, Georgia. Each party will be allotted 20 minutes per side for oral argument. Counsel will receive subsequent correspondence regarding the specific date and time of oral argument.

Thank you for your attention.

Sincerely,

JOHN LEY, Clerk

By: _____

Joyce Pope
Calendar Clerk/Court Sessions Supervisor
404.335.6131

Edward Gordon Hawkins (FAX 251-690-7330)
Jeffrey W. Bennett (FAX 205-408-9236)
Joseph F. Lavigne (FAX 504-582-9010)
Clerk, U.S. District Court, Mobile, Alabama
Honorable Callie V.S. Granade